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EXAMINER	
MEHTA, NANCY T	
ART UNIT	PAPER NUMBER
3692	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,732	PODHAJSKY ET AL.	
	Examiner	Art Unit	
	NANCY MEHTA	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-14,16-18,20,22-33 and 35-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-14,16-18,20,22-33 and 35-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 February 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The Examiner wishes to acknowledge the transfer of the instant application from Examiner Heather Beegle to Examiner Nancy Mehta (within the same Art Unit, 3692) as of 15 July 2008. From this point forward, Examiner Mehta will be the point of contact in regards to this application.

Status of Application

This office action is in response to the amendments and arguments filed by applicant on 06/06/2008.

- Claims 1, 9-11, 14, 16, 18, 20, 28-30, 33, 35, and 37 are amended
- Claims 2, 15, 21, and 34 are cancelled
- No new claims are added
- Claims 1, 3-14, 16-18, 20, 22-33, and 35-37 are pending

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-14, 16-18, 20, 22-33, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee, et al. [U.S. Pat. Pub. 2002/0092004].

Regarding Claim 1, Lee, et al. discloses, A business application generation system for automatically generating a business software application, comprising:

a central processing unit;

a repository containing a set of meta data;

a generation tool comprises a first tool and a second tool, said first tool being a meta data dependent passer element and said second tool being a meta data independent generating element **(¶37, 38, 40)**; and

input/output means for treating said meta data and for invoking said generation tool [[;]], said input/output means being a workbench enabling editing of said meta data **(¶29)**, wherein:

said set of meta data containing structured business process application information comprising information on functions operating on data, and said generation tool retrieving data from said repository and, on the basis of said retrieved repository data, generating a customized business process application.

(Fig. 1, 10, ¶10)

Lee, et al. does not explicitly disclose,

Business data

However, Lee, et al. discloses a business process application which contains data. It is obvious that the data could be considered business data.

Regarding Claim 3, Lee, et al. further discloses, wherein said set of meta data consists of data base tables containing meta data entities.

(¶64)

Regarding Claim 4, Lee, et al. further discloses, wherein said meta data entities contain information on the identification of an application to be generated, on object types and on object structures.

(¶64)

Regarding Claim 5, Lee, et al. further discloses, wherein said object types contain information on the business process data to be processed by the application to be generated and on functions operating on said business process.

(¶10, 64)

Regarding Claim 6, Lee, et al. does not explicitly disclose, wherein said business process is a billing process.

However, it is well known in the art at the time of the invention that a billing process is a business process.

Regarding Claim 7, Lee, et al. does not explicitly disclose, wherein said business process is a bonus payment process.

However, it is well known in the art at the time of the invention that a bonus payment process is a business process.

Regarding Claim 8, Lee, et al. does not explicitly disclose, wherein said business process is a commission payment process.

However, it is well known in the art at the time of the invention that a commission payment process is a business process.

Regarding Claim 9, Lee, et al. further discloses, wherein said input/output means is a workbench [[enabling]] enables at least one of viewing, creating, adding, deleting, changing, inheriting, and editing of said repository meta data.

(¶29)

Regarding Claim 10, Lee, et al. further discloses, wherein said input/output means is a workbench [[enabling]] enables the invocation of said generation tool by initiating an import of meta data into said passer element.

(¶37, 38, 40)

Regarding Claim 11, Lee, et al. further discloses, wherein said passer element handles, interprets, and processes said set of meta data for input to said generating element, said generating element generating, on the basis of said data input, program code for said business process application.

(¶37, 38, 40)

Regarding Claim 12, Lee, et al. further discloses, wherein said generating element further generates data objects for said business process application.

(¶10, 64)

Regarding Claim 13, Lee, et al. further discloses, wherein said generating element further generates a data base for said business process application.

(¶10, 64)

Regarding Claim 14, Lee, et al. discloses, A method for generating a business software application, comprising:

providing a set of meta data containing information on the business process data to be processed by the application to be generated and on functions operating on said business process data; [[,]]

customizing said set of meta data via an input/output means before said meta data is imported into said generation tool **(¶39)**;

and importing said set of meta data comprising information on functions into a generation tool comprising a meta data dependent passer element and a meta data independent generating element for generating a customized business software application.

(Fig. 1, 10, ¶10, 37, 38, 40)

Lee, et al. does not explicitly disclose,

Business process data

However, Lee, et al. discloses a business process application which contains data. It is obvious that the data could be considered business process data.

Regarding Claim 16, Lee, et al. further discloses, further comprising the step of handling, interpreting, and processing said set of meta data imported into said generation tool in said meta data dependent passer element.

(¶37, 38, 40)

Regarding Claim 17, Lee, et al. further discloses, further comprising the steps of inputting said set of meta data after processing in said passer element into said generating element, and generating program code for said business process application on the basis of said data input.

(Fig. 1, 10, ¶10, 37-40)

Regarding Claim 18, Lee, et al. discloses, A computer program product comprising a computer readable medium, the computer readable medium comprising instructions for carrying out a method for generating a business software application, the method comprising:

customizing said set of meta data via an input/output means before said meta data is imported into said generation tool **(¶39)**

importing a set of meta data comprising information on functions into a generation tool, said generation tool comprising a meta data dependent passer element and a meta data independent generating element, on the basis of said set of meta data, processing meta data in said passer element, inputting said processed meta data in said generating element and generating a customized software application.

(Fig. 1, 10, ¶10, 37-40)

Lee, et al. does not explicitly disclose,

Customized business software application

However, Lee, et al. discloses a business software application as well as a customized software application. It is obvious that the customized software application could be considered a business software application.

Regarding Claim 20, Lee, et al. discloses, A business application generation system for automatically adapting a business software application, comprising:

a central processing unit;

a repository containing a set of meta data;

a generation tool comprises a first tool and a second tool, said first tool being a meta data dependent passer element and said second tool being a meta data independent generating element **(¶37, 38, 40)**; and

input/output means for treating said meta data and for invoking said generation tool [[;]], said input/output means being a workbench enabling editing of said meta data **(¶29)**, wherein:

said set of meta data containing structured business process application information comprising information on functions operating on business data, and said generation tool retrieving data from said repository and, on the basis of said retrieved repository data, generating a customized version of an existing business process application.

(Fig. 1, 10, ¶10, 37-40)

Lee, et al. does not explicitly disclose,

customized adapted version

However, Lee, et al. discloses a customized version. It is obvious that the customized version is adapted.

Regarding Claim 22, Lee, et al. further discloses, wherein said set of meta data consists of data base tables containing meta data entities.

(¶64)

Regarding Claim 23, Lee, et al. further discloses, wherein said meta data entities contain information on the identification of an application to be generated, on object types and on object structures.

(¶64)

Regarding Claim 24, Lee, et al. further discloses, wherein said object types contain information on the business process data to be processed by the application to be generated and on functions operating on said business process.

(¶10, 64)

Regarding Claim 25, Lee, et al. does not explicitly disclose, wherein said business process is a billing process.

However, it is well known in the art at the time of the invention that a billing process is a business process.

Regarding Claim 26, Lee, et al. does not explicitly disclose, wherein said business process is a bonus payment process.

However, it is well known in the art at the time of the invention that a bonus payment process is a business process.

Regarding Claim 27, Lee, et al. does not explicitly disclose, wherein said business process is a commission payment process.

However, it is well known in the art at the time of the invention that a commission payment process is a business process.

Regarding Claim 28, Lee, et al. further discloses, wherein said input/output means is a workbench [[enabling]] enables at least one of viewing, creating, adding, deleting, changing, inheriting, and editing of said repository meta data.

(¶29)

Regarding Claim 29, Lee, et al. further discloses, wherein said input/output means is a workbench [[enabling]] enables the invocation of said generation tool by initiating an import of meta data into said passer element.

(¶37, 38, 40)

Regarding Claim 30, Lee, et al. further discloses, wherein said passer element handles, interprets, and processes said set of meta data for input to said generating element, said generating element generating, on the basis of said data input, program code for said business process application 30.

(¶37, 38, 40)

Regarding Claim 31, Lee, et al. further discloses, wherein said generating element further generates data objects for said business process application.

(¶10, 64)

Regarding Claim 32, Lee, et al. further discloses, wherein said generating element further generates a data base for said business process application.

(¶10, 64)

Regarding Claim 33, Lee, et al. discloses, A method for generating an adapted business software application, comprising:

providing a set of meta data containing information on the data to be processed by the adapted application to be generated and on functions operating on said data,

customizing said set of meta data via an input/output means before said meta data is imported into said generation tool **(¶39)**; and

importing said set of meta data comprising information on functions into a generation tool comprising a meta data dependent passer element and a meta data independent generating element for generating a customized business software application.

(Fig. 1, 10, ¶10, 37, 40)

Lee, et al. does not explicitly disclose,

business process data

adapted

However, Lee, et al. discloses a business process application which contains data. It is obvious that the data could be considered business process data. Lee, et al. discloses a customized version. It is obvious that the customized version is adapted.

Regarding Claim 35, Lee, et al. further discloses, further comprising the step of handling, interpreting, and processing said set of meta data imported into said generation tool in said meta data dependent passer element.

(¶37, 38, 40)

Regarding Claim 36, Lee, et al. further discloses, further comprising the steps of inputting said set of meta data after processing in said passer element into said generating element, and generating program code for said business process application on the basis of said data input.

(Fig. 1, 10, ¶10, 37-40)

Regarding Claim 37, Lee, et al. discloses, A computer program product comprising a computer readable medium, the computer readable medium comprising instructions for carrying out a method for generating an adapted business software application, the method comprising:

customizing said set of meta data via an input/output means before said meta data is imported into said generation tool **(¶39)**;

importing [[a]] said set of meta data into a generation tool, said generation tool comprising a meta data dependent passer element and a meta data independent generating element[[,]]; and

on the basis of said set of meta data, processing meta data in said passer element, inputting said processed meta data in said generating element and generating a customized business software application

(Fig. 1, 10, ¶10, 37-40)

Lee, et al. does not explicitly disclose,

customized adapted business software application

However, Lee, et al. discloses a customized version. It is obvious that the customized version is adapted.

Response to Arguments

Applicant argues (1) By this Amendment, Applicants amend claims 1, 9-11, 14, 16, 18, 20, 28-30, 33, 35, and 37; and cancel claims 2, 15, 21, and 34 without prejudice or disclaimer of the subject matter therein. Claims 1, 3-14, 16-18, 20, 22-33, and 35-37 are now pending in this application. In the Office Action,1 the Examiner rejected claims 1-18 and 20-37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0092004 to Lee et al. ("Lee"). Applicants respectfully traverse the rejection. A prima facie case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." M.P.E.P. § 2142(111), 8th Ed., Rev. 6 (Sept. 2007). "[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in Graham v. John Deere Co., 383 U.S. 1,148 USPQ 459 (1966) .... The factual inquiries.., are as follows:

(A) [Determining the scope and content of the prior art;]

(B) Ascertaining the differences between the claimed invention and the prior art; and

(C) Resolving the level of ordinary skill in the pertinent art."

M.P.E.P. § 2141(11). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(111).

Independent claim 1 recites a system comprising, among other things, "said input/output means.., enabling editing of said meta data."

Lee discloses a process including steps for "Initializ[ing an] XML Meta Document" and "Synchroniz[ing an] XML Meta Document." Lee, Fig. 10, refs. 205 and 210. Lee further discloses, "XML meta documents 36 generated by universal modeling language (UML) applications are converted into design database files 34 .... These XML meta documents may then be imported into the generator program 28." Lee, para. [0037]. However, Lee is completely silent with respect to any editing of the XML meta documents. Therefore, Lee fails to teach or suggest "said input/output means ....enabling editing of said meta data," as recited in claim 1.

Independent claim 1 further recites "a generation tool comprising a first tool and a second tool, said first tool being a meta data dependent passer element and said second tool being a meta data independent generating element."

Lee discloses, "XML meta documents 36 may.., be imported into the generator program 38." Lee, para. [0037]. Lee further discloses, "in another embodiment, the design program... [26] analyzes the structure of mainframe applications that use DB2 or similar legacy technologies, as we as small database applications that use technologies such as Paradox, MS Access and MySQL." Lee, para. [0038]. However, Lee fails to teach or suggest that the generator program 38 "comprises a first tool and a second tool," as recited in claim 1. Lee further fails to disclose any component of the generator program 38 that is "a meta data independent generating element," as recited in claim 1.

Accordingly, Lee fails to teach or suggest "a generation tool comprising a first tool and a second tool ....said second tool being a meta data independent generating element," as recited in claim 1.

For at least the foregoing reasons, the scope and content of the prior art have not been properly determined, and the differences between the prior art and claim 1 have not been properly ascertained. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claim 1 obvious to one of ordinary skill in the art. Therefore, a prima facie case of obviousness has not been established with respect to claim 1.

Independent claims 14, 18, 20, 33, and 37, although different in scope from claim 1, are allowable for at least reasons similar to those given for claim 1. Dependent claims

3-13, 16, 17, 22-32, 35, and 36 are allowable at least due to their dependence from allowable base claims 1, 14, 20, and 33. Claims 2, 15, 21, and 34 have been canceled, rendering the rejection thereof moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 103(a).

Response to Arguments

The applicant's arguments have been fully considered, however, the examiner respectfully disagrees. Applicant's arguments are moot in part in view of the amendments made to the claim language, and are not persuasive in part.

The applicant argues Lee discloses a process including steps for "Initializ[ing an] XML Meta Document" and "Synchroniz[ing an] XML Meta Document." Lee, Fig. 10, refs. 205 and 210. Lee further discloses, "XML meta documents 36 generated by universal modeling language (UML) applications are converted into design database files 34 .... These XML meta documents may then be imported into the generator program 28." Lee, para. [0037]. However, Lee is completely silent with respect to any editing of the XML meta documents. Therefore, Lee fails to teach or suggest "said input/output means ....enabling editing of said meta data," as recited in claim 1.

The examiner would like to draw applicant's attention to Lee, para [0037], "XML meta documents.....program 28", where Lee discloses the conversion of UML applications into design database files. This conversion is a modification of the application, thus Lee shows "editing" of the XML meta documents.

The applicant also argues Lee discloses, "XML meta documents 36 may.., be imported into the generator program 38." Lee, para. [0037]. Lee further discloses, "in another embodiment, the design program... [26] analyzes the structure of mainframe applications that use DB2 or similar legacy technologies, as we as small database applications that use technologies such as Paradox, MS Access and MySQL." Lee, para. [0038]. However, Lee fails to teach or suggest that the generator program 38 "comprises a first tool and a second tool," as recited in claim 1. Lee further fails to disclose any component of the generator program 38 that is "a meta data independent generating element," as recited in claim 1.

Accordingly, Lee fails to teach or suggest "a generation tool comprising a first tool and a second tool ....said second tool being a meta data independent generating element," as recited in claim 1.

In response to this argument, the examiner would like to draw applicant's attention to Lee, para [0037], [0038], where Lee discloses the generator program (28), which is the first tool, and design program (28), which is the second tool.

Applicant's arguments are not persuasive; therefore, the rejection of these claims as discussed above is maintained.

As the remaining claims depend directly or indirectly from the amended independent claims, the examiner maintains that Lee either in obvious combination or individually clearly teaches all limitations argued and presented by the applicant in the claims as currently they have been amended.

Furthermore, examiner would like to note the following discussion of Official Notice taken from the MPEP:

> To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard, 139 F.2d at 713, 60 USPQ at 241* ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko, 258 F.3d at 1386, 59 USPQ2d at 1697* ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

Therefore, Applicant has not "specifically point[ed] out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." For these reasons, the Official Notice taken in rejecting the claims are taken to be admitted prior art, because Applicant's traversal was inadequate.

Examiner's Note:

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified

citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY MEHTA whose telephone number is (571)270-

3265. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nancy Mehta

/Nga B. Nguyen/
Primary Examiner, Art Unit 3692